

5C JCWSCS 06 JAN 2004

JAN 06 '04 12:33 FR IBM RTP LEGAL DEPT 919 254 4330 TO 917037469195 P.01/07

I hereby certify this correspondence is being Faxed to Office of Initial Patent Examination's Filing Receipt Corrections. Facsimile number 703-746-9195

on Jan. 6, 2004

by Linda Dupont

PAGES: 7

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of	:	January 5, 2004
Krissell, D. et al.	:	IBM Corp., T81/503
Serial No.: 10/662,210	:	P. O. Box 12195
Filed: Sept. 11, 2003	:	Res. Tri. Park,
For: Selectively Accepting Cache	:	North Carolina 27709
Content	:	Customer Number 25259

Petition to Accord the Proper Filing Date

Office of Initial Patent Examination's Filing Receipt
Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Facsimile number 703-746-9195

Sir:

As set forth in 37 CFR § 1.10 and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of Sept. 11, 2003 rather than Sept. 12, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of Sept. 11, 2003 being the correct filing date for the application, which was properly filed under 37 CFR § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date.
2. A true and accurate copy of the Express Mail Receipt.

3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of Sept. 12, 2003 instead of the Express Mail date of Sept. 11, 2003.

4. A copy of the incorrect filing receipt.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of Sept. 11, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to afford the proper filing date under MPEP § 505 and thus the need to file this petition due to an error on the part of the USPTO. It is applicant's belief that no fee is due with this petition. However, the commission is authorized to charge any deficiency or credit any overpayment to Deposit Account 09-0461.

Respectfully submitted,

Gerald R Woods

Gerald R. Woods
Attorney for Applicant
Registration No. 24,144



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/662,210	09/12/2003	2186	876	RSW920030215US1	5	27	3

CONFIRMATION NO. 9116

Gerald R. Woods
 IBM Corporation
 T81/503
 PO Box 12196
 Research Triangle Park, NC 27709

FILING RECEIPT



OC000000011535384

Date Mailed: 12/19/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel L. Krissell, Morrisville, NC;
 Robert C. Leah, Cary, NC;
 Paul F. McMahan, Apex, NC;

Assignment For Published Patent Application

International Business Machines Corporation, Armonk, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/18/2003

Projected Publication Date: 03/17/2005

Non-Publication Request: No

Early Publication Request: No

Title

Selectively accepting each content

Preliminary Class

711

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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IBM Docket No. RSW920030215US1

In the United States Patent and Trademark Office Patent Application Transmittal

Transmitted herewith for filing is the Patent Application of:

Inventors(s): Daniel L. Krissell, Robert C. Leah, Paul F. McMahan

For: Selectively Accepting Cache Content

Assignee Name: International Business Machines Corporation

Assignee Residence: Armonk, New York

Enclosed are33 pages of specification, including 18 claims, plus 5 sheets of *formal* drawings.

X An assignment to International Business Machines Corporation, Armonk, New York 10504.

A certified copy of a/an application.

X Declaration and Power of Attorney.

x PTO-1449 & references

x A return post card

Other:

Filing Fee Calculation (For Other Than Small Entity)

Filing Fee Calculation (For Other Than Small Entry)						\$750.00
Basic Fee:						
Claims Fees:	Filed	Limit	Extra		Rate per Extra	
Total claims:	18	20	0		\$18.00	\$0.00
Independent claims:	3	3	0		\$84.00	\$0.00
	Multiple Dependent Claim Presented				\$280.00	\$0.00
					Total	\$750.00

Please charge the Deposit Account identified below for the Total set forth above. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR §1.16 and any patent application processing fees under 37 CFR §1.17 or to credit any overpayment to the identified account. A duplicate copy of this sheet is enclosed.

Express Mail Certificate

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Date: Sept. 11, 2003

I hereby certify that I am depositing the papers identified above with the U.S. Postal Service "Express Mail Post Office to Address" service on the above date, addressed to Mail Stop Patent Application; Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450

Linda Dupont
Linda Dupont

BY: *Gerald R. Woods*

Gerald R. Woods

Attorney of Record Reg. No. 24,144

Date: Sept. 11, 2003

Customer Number: 25259

Deposit Account Number: 09-0461

Telephone: 919-543-7204

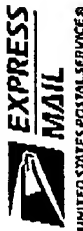
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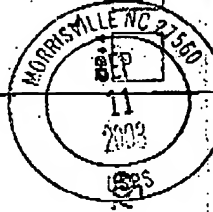
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☒ APPLICATION
☒ DECLARATION
☒ ASSIGNMENT & PTO 1559
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☐ MISSING PARTS
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☐ AMEND. & TRANS. FORM
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IN RE APPLICATION OF: Krisell, D. et AL.TITLE OF APPLICATION: Selectively Accepting Cache ContentPGS. OF SPEC: 33 NO. OF CLAIMS 18 SHTS OF DWGS: 5TOTAL CHARGES: \$750.00ATTORNEY: GRW DEPOSIT ACCT. NO. 09-0461